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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x

4 UNITED STATES OF AMERICA,

5 v.

15 CR 825 (ALC)

6 ELIOT HALBERSTAM,

7 Defendant.
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8 New York, N.Y.
9 December 18, 2015
10 10:05 a.m.

11 Before:

12 HON. ANDREW L. CARTER, JR.,

13 District Judge

14 APPEARANCES

15 PREET BHARARA

16 United States Attorney for the
17 Southern District of New York

18 ANDREW BEATY

19 Assistant United States Attorney

20 STACEY RICHMAN

21 Attorney for Defendant

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1 (In open court; case called)

2 THE COURT: Has Mr. Halberstam already been arraigned
3 on the indictment?

4 MR. BEATY: He has, your Honor. That was done in
5 Magistrate Court on December 8th.

6 THE COURT: What is the status of this matter?

7 MR. BEATY: This is the initial conference before your
8 Honor. The government is in the process of preparing to
9 produce discovery. Given the nature of the charges, it has
10 taken longer than we expected to essentially carve out what
11 things can actually be turned over to the defense and what
12 items the defense will have to come and view at the FBI's
13 offices. We hope to make the initial production next week.
14 The other delay with discovery is a number of devices were
15 seized at the time of the defendant's arrest, and those are
16 still in the process of being reviewed by the FBI.

17 THE COURT: Thank you.

18 Defense counsel, how do you want to proceed?

19 MS. RICHMAN: Might I suggest that we put this over
20 for status with regard to the evolution of discovery. The
21 government and defense have had extensive discussions. I will
22 be traveling as of this evening. Because I will have to travel
23 to the government to view much of the evidence, I think I might
24 need a bit of an extended schedule in terms of review.

25 THE COURT: How much time are you looking for?

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1 MS. RICHMAN: I don't know yet what the government
2 will be presenting. I know there is an ongoing investigation
3 as well that will relate to this matter. Might I suggest a
4 status date towards the end of January, so we can see where we
5 are. I'm also set to start a three-month enterprise corruption
6 trial in New York County on the 25th of January. Perhaps, a
7 date by before then, so I can advise as to status and the
8 government and I can further confer. I'm second counsel in the
9 case. I only entered last week.

10 THE COURT: Okay. Let's adjourn this matter for a
11 date the third week of January.

12 THE DEPUTY CLERK: Friday, January 22nd, at 11:00 a.m.

13 MS. RICHMAN: Your Honor, Mr. Halberstam is religious.
14 So because the days are short now and in case there is a
15 problem with travel, perhaps we could do an early call, so that
16 we can ensure that he is back at MDC, or another day. I
17 apologize.

18 THE COURT: Will 10:00 be early enough?

19 MS. RICHMAN: Apparently, the marshals cannot
20 guarantee the return.

21 THE DEPUTY CLERK: Thursday, January, 21st, at 1:00.

22 MS. RICHMAN: Thank you, your Honor.

23 MR. BEATY: That's fine with the government, your
24 Honor.

25 THE COURT: We will adjourn this matter until

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1 January 21st, at 1:00, for a status conference. Based on the
2 representations made in open court, I will exclude time under
3 the Speedy Trial Act, due to the nature and volume of discovery
4 in this case, to give defense counsel an opportunity to review
5 the discovery and be better prepared for trial. I find it is
6 in the interests of Mr. Halberstam and the interests of justice
7 to enter an order until January 21st. I further find that the
8 interests of justice and Mr. Halberstam's interests outweigh
9 the public's interests in a speedy trial, and I will enter an
10 order to that effect.

11 Anything else from either side?

12 MR. BEATY: Not from the government.

13 MS. RICHMAN: Two things, your Honor. First, I
14 advised the government, in all likelihood, on the next date, I
15 may present a bail application with regard to Mr. Halberstam.
16 Secondly, happy holidays.

17 THE COURT: Thank you. Have a good day.

18 MR. BEATY: Thank you.

19 (Adjourned)

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